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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,709	02/06/2006	Hans-Peter Sendelbach	076326-0305	6859
22428 7590 09/09/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER AMORES, KAREN J				
ART UNIT		PAPER NUMBER		
3616				
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09/09/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/537,709

**Applicant(s)**

SENDELBACH ET AL.

**Examiner**

KAREN AMORES

**Art Unit**

3616

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-35, 37, 39-53 and 55-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Acknowledgements***

1. Acknowledgment is made of Applicants' Request for Continued Examination filed 11 August 2008.

***Claim Rejections - 35 USC § 102***

2. Claims 28 – 31, 33 – 35, 37, 39 – 41, 45 – 47, 51, 53, 55, and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Storey et al. U.S. 5,765,863 ("Storey"). Storey discloses a passenger protecting system, comprising:
3. a gas generator (column 1, line 21); and
4. a gas bag including an envelope portion and a filling channel with a narrow portion which extends along a predefined deployment direction (column 1, line 42), wherein the narrow portion has a length greater than a width (44), wherein the system is configured so that inflation gas from the gas generator directly enters the filling channel;
5. wherein at least part of the envelope portion is inserted into the narrow portion of the filling channel;
6. wherein the part of the envelope portion that is inserted into the narrow portion of the filling channel is folded into an envelope pack (24), wherein the envelope pack is formed so that a long axis of the envelope pack is arranged perpendicularly to a width of the gas bag (fig. 1);
7. wherein the envelope pack is folded together in a middle of the long axis of the envelope pack to form a U-shaped pack that is inserted into the narrow portion of the filling channel (fig. 4).

8. In reference to claims 29 – 31, 33 – 35, 37, 39 – 41, and 45 – 47, and 56, Storey further discloses the filling channel is connected to the gas generator; wherein one end of the filling channel is adapted to be connected to the gas generator and the part of the envelope portion that is inserted into the narrow portion is located immediately in front of a connection point (20) of the gas generator; wherein the filling channel forms a side pocket which is located laterally beside the connection point of the gas generator (column 10, line 29); wherein the part of the envelope portion that is inserted into the narrow portion turned back is at least partly zigzag-folded, pleated and/or rolled together; wherein the part of the envelope portion that is inserted into the narrow portion is zigzag-folded, pleated and/or rolled together at an end of the envelope facing away from the filling channel to form a zigzag-folded (fig. 22), pleated and/or rolled together envelope pack, wherein the envelope pack is folded together at least once to form the U-shaped pack; wherein the gas bag has two or more gas bag chambers; wherein the filling channel is formed laterally, at least partly, by a seam in the envelope of the gasbag (fig. 4); wherein the filling channel is formed, at least partly, by a diffuser layer fitted in the gas bag and/or by retaining straps (fig. 9, line 17); wherein the filling channel is at least partly tubular; a cross section of the filling channel widens like a funnel at an open end of the filling channel in another embodiment (fig. 23); wherein the gas bag is a head-thorax gas bag that includes a head region and a thorax region (column 1, line 52); wherein the head region of the gas bag is inserted into the filling channel; and wherein the gas bag is accommodated in a backrest of a motor vehicle seat so that the predefined deployment direction extends parallel to the backrest of the motor vehicle seat (column 2, line 36), in a direction of the vehicle roof (fig. 9).

9. In reference to claim 51, Storey discloses a method for folding a gas bag, comprising:

10. inserting at least a part of a gas bag envelope of the gas bag into an envelope section of the gas bag envelope; and
11. inserting the part of the gas bag envelope into a narrow portion of a filling channel (fig. 17), wherein the narrow portion has a length greater than a width (fig. 18);
12. wherein the filling channel is partly formed by the gas bag envelope;
13. wherein the filling channel extends along a predefined deployment direction (column 6, line 38);
14. wherein the part of the gas bag envelope that is inserted into the narrow portion of the filling channel is folded together into an envelope pack (fig. 19), wherein the envelope pack is formed so that a long axis of the envelope pack is arranged perpendicularly to a width of the gas bag (fig. 3);
15. wherein the envelope pack is folded in a middle of the long axis of the envelope pack to form a U-shaped pack that is inserted into the narrow portion of the filling channel (fig 4).
16. In reference to claims 53 and 59, Storey further discloses the part of the gas bag envelope that is inserted into the narrow portion is at least partly zigzag-folded, pleated and/or rolled together (fig. 22); wherein the envelope pack is folded before the envelope pack is inserted into the narrow portion of the filling channel.
17. In reference to claim 55, Storey discloses a system for protecting passengers of a vehicle, comprising:
  18. a gas generator (column 11, line 28); and
  19. an air bag (fig. 3), including a folded section and a filling channel (22) with a narrow portion, wherein the narrow portion has a length greater than a width (fig. 17);

20. wherein the filling channel is adjacent to the gas generator;
21. wherein the folded section is inserted in the narrow portion of the filling channel so that when inflation gas from the gas generator enter the filling channel, gas pressure builds up, expelling the folded section in a predetermined direction (column 4, line 66); wherein the folded section that is inserted into the narrow portion of the filling channel is formed by a part of the air bag that is folded into an envelope pack (fig. 18), wherein the envelope pack is formed so that a long axis of the envelope pack is arranged perpendicularly to a width of the air bag (column 3, line 60);
22. wherein the envelope pack is folded together in a middle of the long axis of the envelope pack folded section to form a U-shaped pack that is inserted into the narrow portion of the filling channel (fig. 19).

***Claim Rejections - 35 USC § 103***

23. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
24. Claims 42 – 44, 48 – 50, and 56 – 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Storey. Storey further discloses the gas bag is accommodated in a backrest 16) of a motor vehicle so that the predefined deployment direction extends parallel to the back rest of the motor vehicle seat, in a direction of the vehicle seat area (fig. 2b). Storey further discloses the head region of the gas bag is inserted into the filling channel; wherein the gas bag is fitted in a backrest (16) of a motor vehicle seat so that the predefined deployment direction of the filling channel for the head region extends parallel to the backrest of the motor vehicle seat, in a

direction of the vehicle roof (fig. 2c). Storey does not disclose the gas bag as a pelvis-thorax bag that includes a pelvis region and a thorax region. By official notice, it would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Storey such that it comprised the pelvis region by lowering the mounting position within the seat to accommodate the pelvis, reversing the direction of the second volume, or adding another chamber, so as to protect the lower portion of the body in case it slides significantly enough to need a side protection (column 4, line 40).

25. Storey discloses the part of the envelope portion that forms the envelope pack is rolled to form the envelope pack in another embodiment (fig. 6). It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Storey such that it rolled the envelope pack instead of a tuck fold, or to replace the accordion of Fig. 22 to the envelope pack, as an interchangeable fold old and well known in the art.

#### ***Allowable Subject Matter***

26. Claims 36, 38, and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pausch WO 98/56622 discloses a pelvis-thorax gas bag.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN AMORES whose telephone number is (571)272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571)-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KAREN AMORES  
Examiner  
Art Unit 3616

/K. A./  
Examiner, Art Unit 3616

/Paul N. Dickson/  
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